

**DEPARTMENT OF STATE HOSPITALS  
FINAL STATEMENT OF REASONS  
CONTRABAND DISPOSITION REGULATIONS**

California Code of Regulations  
Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 16. State Hospital Operations  
Article 3. Safety and Security

**STATEMENT OF NOTICES PROVIDED TO THE PUBLIC AND ACTIONS TAKEN**

The Department of State Hospitals (Department) released the Initial Statement of Reasons for the proposed Contraband Disposition regulations on May 2, 2025. All documents associated with this rulemaking were made available to the public and continue to be available on the Department website at <https://www.dsh.ca.gov/Publications/Regulations.html>.

The 45-day comment period to consider the proposed rulemaking closed on June 16, 2025. After the closing of the 45-day comment period, the Department considered all timely and relevant comments received.

The Notice of Proposed Action, published on May 2, 2025, outlined the details regarding a scheduled public hearing which was held on June 24, 2025.

After the June 24, 2025, public hearing, the Department proposed modifications to the originally proposed regulations. The Department made modifications to the text which was noticed to the public from September 30, 2025, to October 15, 2025. No additional comments were submitted.

**LOCAL MANDATE STATEMENT**

Mandate on local agencies and school districts: The Department has determined that the proposed regulations would not impose a mandate on any local agency or school district that requires reimbursement by the state under Government Code section 17500, et. seq.

**STATEMENT OF ALTERNATIVES CONSIDERED**

The Department has determined that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which these regulations are proposed; would be as effective and less burdensome to affected private persons than the proposed regulations; would lessen any adverse impact on small businesses; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. These regulations will allow the Department to ensure contraband does not get recirculated into hospital grounds or to the public. Removing contraband, particularly hazardous contraband, will improve the health and safety of the patients, staff, and visitors at state hospitals.

The Department invites interested persons to submit statements or arguments with respect to alternatives to the proposed regulation during the comment period.

## **STATEMENT OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Department has made the determination that the proposed regulations will have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the regulations will allow the Department to ensure contraband does not get recirculated into hospital grounds or to the public. Removing contraband, particularly hazardous contraband, will improve the health and safety of the patients, staff, and visitors at state hospitals.

## **GOOD CAUSE STATEMENT**

These proposed regulations are tied to underlying emergency regulations currently in effect. To keep consistency and ongoing safety and security of Department facilities, these updated regulations should be made effective at the time of filing. This will allow the Department to avoid any enforcement gaps.

## **MODIFICATIONS TO THE ORIGINALLY PROPOSED REGULATIONS TEXT**

### 15-Day Notice of Proposed Modifications:

#### Non-Substantive Changes:

**Entire Document:** Bold was removed from the entire document for clarity.

**Section 4354. Definitions:** A period was added to the end of the section title for consistency with the currently printed California Code of Regulations.

**Section 4354.1 Contraband Disposition:** A period was added to the end of the section title for consistency with the currently printed California Code of Regulations.

#### **Section 4354(e):**

**Text:** "Religious or Spiritual Item(s)"

**Rationale:** Parenthesis were added to the "s" in items for clarity and to be consistent with section 4354.1(f) of these regulations.

#### Substantive Changes:

#### **Section 4354(e):**

**Text:** "Religious or Spiritual Item(s). Any recognized article, such as a bag, cross, medallion, totem, pipe, or object other item in which the possessor places religious or spiritual significance."

**Rationale:** The text was adjusted to clarify that the individual possessing the item is the one placing value on the item. This is a one-step process and there is no additional process in this regulations text to deem the item as "recognized" as a religious or

spiritual item(s).

**Section 4354.1(f):**

**Text:** “Religious or Spiritual Item(s) that are Non-Criminal Contraband, Criminal Contraband, or Hazardous Contraband and shall be disposed of pursuant to this Subsections (a) through (e), shall be removed from the secured treatment area and any additional steps recommended be disposed of through procedures provided by the hospital’s chaplain. The chaplain either advises concerning their appropriate religious affiliation, or spiritual leader concerning a different religion, they will conduct research and advise based on their findings.”

**Rationale:** The text was adjusted to clarify how religious or spiritual item(s) must be disposed of. The original language was unclear, and it implied that there was a different disposal method for religious or spiritual item(s). The text was adjusted to clarify that these items do not have a different disposition method, but they require a chaplain’s advice on any potential additional steps for disposing of the item, while ensuring respect of the individual’s religious beliefs.

**SUMMARY OF COMMENTS RECEIVED**

The following is a summary of comments received during the emergency public comment period beginning on December 2, 2024, through December 12, 2024, 45-day public comment period beginning on May 2, 2025, through June 16, 2025, and comments received during a public hearing facilitated on June 24, 2025, by the Department.

**Listed below are those that provided comments during the emergency comment period which ended on December 12, 2024:**

No.	Commenter (Comment Number)	Affiliation	Date Received
1.	Christian Williams (1-5 and 16)	Patient	9/6/24 and 10/11/24
2.	Allan Fletcher (5-11, and 20-21)	Patient	9/9/24 and 10/10/24
3.	John Jobley (5 and 9)	Patient	9/10/24
4.	Joel Oaks (2, 5, and 12)	Patient	9/13/24
5.	Cory Hoch (4 and 13-19)	Patient	9/13/24
6.	Butch Thompson (2, 4-6, and 9)	N/A	9/13/24 and 10/10/24
7	Timothy Seeboth (1, 6, and 18)	Patient	12/5/24

**Summary Comment 1: Commenter 1 and 7**

Comment: I did not receive the proposed regulations in the mail. To submit timely comments, I must be notified of the proposal. I have requested to receive notifications for the past 15 years and ensured my address has not changed.

Department Response: Thank you for the comment. The proposed regulations were mailed out to each individual on our public mailing list.

**Summary Comment 2: Commenter 1, 4, and 6**

Comment: Patients are not allowed electronic property, therefore must rely on the physical mail when submitting comments regarding regulations. The short timeframe for emergency comments does not work for the patients.

Department Response: Thank you for the comment. The Department is in compliance with Government Code section 11346.1, subdivision (a)(2) which requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

**Summary Comment 3: Commenter 1**

Comment: The language in the notice regarding the comment submission timeline is confusing and not clear.

Department Response: Thank you for the comment. The language has been amended for future emergency notices.

**Summary Comment 4: Commenter 1, 5, and 6**

Comment: I would like to request a public hearing and that the deadline for comments either be extended, or that the notification be restarted.

Department Response: Thank you for the comment. A public hearing was held on June 24, 2025, and the regular rulemaking was noticed to the public for a 45-day comment period on May 2, 2025.

**Summary Comment 5: Commenter 1-4, and 6**

Comment: The Department does not provide sufficient evidence of an emergency, and the regulation is based on expediency. The Department states the reason they really filed an emergency regulation was a result of a court action. The Department was aware of the pending lawsuit filed in 2023 because of the Department's continual failure to follow the APA. The Department does not offer any "substantial evidence" as statutorily required.

Department Response: Thank you for the comment. Pursuant to Welfare and Institutions Code (WIC) section 7295, subdivision (k), the Department is authorized to adopt emergency regulations related to the management, inspection, and disposition of contraband items identified by the Department until June 30, 2026.

**Summary Comment 6: Commenter 2, 6, and 7**

Comment: The proposed emergency regulations violate Government Code section 11349(d) and is inconsistent with the regulation. WIC 7295 permits patients to place non-criminal contraband items up for review with a contraband committee. The regulations omit this fact. This process takes six months to a year at best.

Department Response: Thank you for the comment. The Department has reviewed the language and determined that the regulations are written in a way to allow the Department to hold the contraband item for more than 30 calendar days.

**Summary Comment 7: Commenter 2**

Comment: The proposed emergency regulations violate Government Code section 11349(c) and is not clear. Section 4354.1, subdivision (1) is not clear as to its intent and confuses the patients it affects.

Department Response: Thank you for the comment. The Department has rearranged the sections and added language for clarity during the regular rulemaking.

**Summary Comment 8: Commenter 2**

Comment: The Department already has a procedure to mail out non-criminal contraband, therefore, these regulations do not constitute an emergency.

Department Response: Thank you for the comment. Pursuant to WIC section 7295, subdivision (k), the Department is authorized to adopt emergency regulations related to the management, inspection, and disposition of contraband items identified by the Department until June 30, 2026.

**Summary Comment 9: Commenter 2, 3, and 6**

Comment: The Department fails to state facts the public must know. According to the Office of Law Enforcement Support, there are sustained allegations of Department staff who are also bringing in contraband. The Department also fails to provide any data used to justify the “emergency.”

Department Response: Thank you for the comment. Pursuant to WIC section 7295, subdivision (k), the Department is authorized to adopt emergency regulations related to the management, inspection, and disposition of contraband items identified by the Department until June 30, 2026.

**Summary Comment 10: Commenter 2**

Comment: Penal Code section 1546.1 forbids such intrusion on electronic devices. Except as an emergency or to find the name of the device’s owner, and for those on parole or probation if it is part of the conditions of probation or parole. Most patients are not on parole or probation. Patients who have not been found culpable of any criminal act, require a Search Warrant for the scanning of the electronic device. Without it is illegal and any coercion is also forbidden.

Department Response: Thank you for the comment. This comment relates to the designation of contraband, while this regulation relates to the disposition of contraband.

### **Summary Comment 11: Commenter 2**

Comment: Patients must be able to select their own charitable organization if they want to mail it out to one. The proposed language states that the Department will choose the organization. The patient has the right to choose which organization they want to donate to.

Department Response: Thank you for the comment. The Department has considered your comment and finds that the regulation adequately addresses donations as written.

### **Summary Comment 12: Commenter 4**

Comment: The Department claims that there will be a routine 45-day public notice and comment period to permanently adopt these regulations via the regular rulemaking process, which will be completed within 180 days of OAL's approval. The Department never completes the 45-day public notice and comment period within the 180 days. If the Department does not complete the comment period within 180 days, does that mean that the emergency regulations are no longer active?

Department Response: Thank you for the comment. The Department submitted an emergency readoption package to OAL on 5/27/25 and it became effective from 6/10/25 to 9/9/25. A 45-day public notice and comment period was held from 5/2/25-6/16/25.

### **Summary Comment 13: Commenter 5**

Comment: There is no clear method of discerning the difference between trivial non-criminal contraband items (such as rubber bands, paper clips or alligator clips, or even money, checks or money orders) and the more obviously serious non-criminal contraband items, where either way, as it currently reads, could subject the entire package to being rejected and disposed of pursuant to the regulation.

Department Response: Thank you for the comment. The proposed regulations do not recognize a trivial versus non-trivial designation and only makes definitions for criminal and non-criminal contraband. Non-criminal contraband has been defined in 4354(c).

### **Summary Comment 14: Commenter 5**

Comment: There is no indication in this regulation as to the finding of non-criminal contraband items in legal and/or regular mail (such as paper clips, rubber bands, etc.) and the determination of disposing of any type of mail, whereas potentially disposing of any type of mail may raise serious regulatory, statutory, civil, and constitutional rights issues. It is requested that either the language in dispute be amended or to delete the relevant language accordingly.

Department Response: Thank you for the comment. The disposition of an item determined to be contraband will be processed pursuant to this regulation, regardless of how the item comes into the facility. The Department has existing regulations related to search of contraband and mail.

### **Summary Comment 15: Commenter 5**

Comment: The proposed regulations must comply with the criteria established under CCR Title 9 section 884(c)(1)-(5).

Department Response: Thank you for the comment. The Department is in compliance with CCR Title 9 section (c)(1)-(5).

**Summary Comment 16: Commenter 1 and 5**

Comment: The contraband definitions are too vague. These definitions provide a limitless ground for denying the right to personal property because the items have been determined to be contraband within the facility. There must be a standard for measuring or specifically defining what constitutes a “compromise” of safety and/or security to prevent unnecessary denial of rights. “Safety” and “Security” are defined in CCR Title 9 section 881. Some level of risk or harm must be established to properly assess these items, otherwise it is too broad and could lead to abuse.

Department Response: Thank you for the comment. The definitions of “safety” and “security” as defined in the California Code of Regulations, title 9, section 881 applies. The California Code of Regulations section 881 has been promulgated through the Administrative Procedure Act process.

**Summary Comment 17: Commenter 5**

Comment: Officials will be held liable if they set “in motion a series of acts by others, or knowingly refused to terminate [such acts], which he knew or reasonably should have known would cause others to inflict constitutional injury. Officials are, or could be, the ones directly responsible for the enactment of such regulations that would authorize such constitutional violations, if not directly addressed prior to its implementation. Further, this leads those down the ladder to be responsible for such omissions.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

**Summary Comment 18: Commenter 5 and 7**

Comment: For an administrative regulation to be valid, it must be within the scope of the authority conferred by the enabling statute. While WIC section 4005.1 grants the Department the authority to “adopt and enforce rules and regulations necessary to carry out its duties under this division,” there are no provisions in law granting the Department or DSH-C the legal authority to create or limit the due process rights of individuals committed under WIC section 6600 et seq.

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that they do not limit the due process rights of individuals committed to the Department.

**Summary Comment 19: Commenter 5**

Comment: Conditions at the facility are to be in the least restrictive based on their confinement and the needs of the facility, while at the same time promoting independence and personal liberty interests. Conditions of confinement generally shall be equal across the board for all involuntary civil commitment entities. The law is

established that mental health patients confined in state hospitals are to be afforded and entitled to “more considerate treatment and conditions of confinement than that of their criminal counterparts whose conditions of confinement are designed to punish” and that they shall have the least restrictive setting or environment feasible. Those currently held at DSH-C are to be held in a nonpunitive environment that does not lead to elements of punishment.

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that they are written in the least restrictive way possible while still ensuring the health, safety, and security of all Department staff, patients, and public.

#### **Summary Comment 20: Commenter 2**

Comment: Section 4354.1(a)(1)(B) may conflict with other agencies’ regulations since non-illegal contraband could be different at other agencies.

Department Response: Thank you for the comment. The Department has the authority to promulgate regulations pursuant to Welfare and Institutions Code section 4005.1, including all the hospitals under its jurisdiction, as outlined in Welfare and Institutions Code section 4100. The Department has jurisdiction over Coalinga State Hospital, pursuant to Welfare and Institutions Code section 4100, subdivision (b). Further, Welfare and Institutions Code section 6600.05 states that the “Coalinga State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment,” and that the Department shall be responsible for operation of the facility, including the provision of treatment. These regulations only apply to the Department and do not apply to other state agencies.

#### **Summary Comment 21: Commenter 2**

Comment: There maybe a physical impact on local businesses. For example, if a patient receives a package from Walmart and it has to be returned back to the company because it contains non-illegal contraband items, and that company is responsible for the cost of restocking fees and shipping costs.

Department Response: Thank you for the comment. The Department is not required to ascertain the physical impact on businesses. With regard to fiscal impact, this regulation pertains to an internal Departmental process and impact to outside entities would be minimal, incidental, and highly unlikely.

**Listed below are those that provided comments during the 45-day comment period which ended on June 16, 2025:**

No.	Commenter (Comment Number)	Affiliation	Date Received
1.	Timothy Seeboth (1-9)	Patient	5/27/25
2.	Cory Hoch (3, 5, and 9-16)	Patient	6/9/25
3.	Allan Fletcher (3, 4, 11, and 17-23)	Patient	6/11/25
4.	Christian Williams (3, 4, 11, and 17-23)	Patient	6/16/25



### **Summary Comment 1: Commenter 1**

Comment: Hospital staff believe they have the authority to scan electronic storage devices but need to check the Electronic Communications Privacy Act Penal Code section 1546.1. The proposed regulation California Code of Regulations (CCR) Title 9 section 4354.1(e) is in violation of that Penal Code.

Department Response: Thank you for the comment. This comment relates to the designation of contraband, while this regulation relates to the disposition of contraband. Per this regulation, any scan of electronic devices would require the consent of the patient otherwise it shall be disposed of accordingly.

### **Summary Comment 2: Commenter 1**

Comment: Penal Code section 1546.1 forbids such intrusion on electronic devices even by CDCR. Except as an emergency or to find the name of the device's owner, and for those on parole or probation if it is part of the conditions of probation or parole. Most patients are not on parole or probation. Patients who have not been found culpable of any criminal act, require a Search Warrant for the scanning of the electronic device. Without it is illegal and any coercion is also forbidden.

Department Response: Thank you for the comment. This comment relates to the designation of contraband, while this regulation relates to the disposition of contraband. Per this regulation, any scan of electronic devices would require the consent of the patient otherwise it shall be disposed of accordingly.

### **Summary Comment 3: Commenter 1, 2, 3, and 4**

Comment: WIC section 7295 does not authorize Department staff to deem whatever they want contraband. The "Criminal Contraband" category fits the definition of what the Legislators intended "the materials, articles, or goods present threat to the safety and security of the facility." That should mean an actual threat not a hypothetical threat and would be considered illegal. The contraband definitions are too vague. Some level of risk or harm must be established to properly assess these items, otherwise it is too broad and could lead to abuse.

Department Response: Thank you for your comment. The Department has the authority to promulgate regulations pursuant to Welfare and Institutions Code section 4005.1, including all the hospitals under its jurisdiction, as outlined in Welfare and Institutions Code section 4100. The Department has jurisdiction over Coalinga State Hospital, pursuant to Welfare and Institutions Code section 4100, subdivision (b). Further, Welfare and Institutions Code section 6600.05 states that the "Coalinga State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment," and that the Department shall be responsible for operation of the facility, including the provision of treatment. Further, this comment relates to the designation of contraband, while this regulation relates to the disposition of contraband.

### **Summary Comment 4: Commenter 1, 2, 3, and 4**

Comment: The "Non-Criminal Contraband" and the new categories of: Hazardous Contraband and Religious or Spiritual items are new additions without any justification

of why they are, or should be, considered contraband. Hazardous is not defined, and the ban on certain religious items steps on a fundamental right without explanation or a definition of what makes it contraband. There is no process for the training of staff to properly identify what may be “hazardous.” There is no Statute that allows the state to force patients to send, at their expense, items to a Recipient without some meaningful due process. CCR Title 9 section 4354 "Non-Criminal Contraband" is not within the scope of authority conferred on Dept. of State Hospitals by WIC section 7295. See Government Code section 11342, *Wallace Berrie & Co. v State Board of Equalization* 40 Cal. 3d 60, 65-66 (1998).

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that the words in the definition section have been clearly defined.

#### **Summary Comment 5: Commenter 1 and 2**

Comment: Nowhere in any legislation does it authorize limiting quantities of normally acceptable items that are not in themselves a danger to the safety and security of the facility. That type of regulation requires the Office of Administrative Law (OAL) involvement. There is no due process involved nor any protection from abuse by the administration or staff. The patient population will have lost any due process within the administrative realm to appeal or get a second opinion. For an administrative regulation to be valid, it must be within the scope of the authority conferred by the enabling statute. While WIC section 4005.1 grants the Department the authority to “adopt and enforce rules and regulations necessary to carry out its duties under this division,” there are no provisions in law granting the Department or DSH-C the legal authority to create or limit the due process rights of individuals committed under WIC section 6600 et seq.

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that they do not limit the due process rights of individuals committed to the Department.

#### **Summary Comment 6: Commenter 1**

Comment: The Hospital-Specific Property Contraband List uses a committee of employees that have no real experience in the subject matter in which they are advising the administration to deem contraband. Administrative Directive (AD) No. 230, “Contraband Committee,” requires no experience or special knowledge to be a voting member. The language regarding how the committee looks at each item is too broad. Specifically, “The committee has an obligation to provide for the safety and security of all persons with access to Department of State Hospitals Coalinga (DSH-C) buildings and grounds.” The item must present a risk to the safety and security of the facility and there must be at least some evidence to justify its banning. Contraband meetings are closed to the population, only a representative of the patients and an occasional guest are allowed in. The committee is only a gathering of like-minded persons who support each other’s opinions and patients are never given proper justification on why an item was deemed contraband.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory

action.

**Summary Comment 7: Commenter 1**

Comment: Government Code section 11405.20 makes clear that its decision must be in writing setting forth the factual and legal basis for its decision or recommendations and those records must be made available to the public and patient population. The court is confined to evidence received by the administrative body in reviewing findings of a local administrative body, and in reviewing that evidence, it may not reweigh a statute or regulation but may only consider whether there is any substantial competent and material evidence in the administrative record to sustain finding.

Department Response: Thank you for the comment. This notice, the Initial Statement of Reasons, the proposed regulation text, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, will be available on the Department website at <https://www.dsh.ca.gov/Publications/Regulations.html>. Upon request, any member of the public may receive the final rulemaking record for this regulation.

**Summary Comment 8: Commenter 1**

Comment: Gov. Code section 11342.2 requires that any regulation comply with the statute and meet the purpose of the statute. In reviewing the legality of an administrative regulation adopted pursuant to a delegation of legislative power, the judicial function is limited to determining whether the regulation is within the scope of the authority conferred and is reasonably necessary to effectuate the purpose of the statute.

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that these regulations are in compliance with Government Code section 11342.2

**Summary Comment 9: Commenter 1 and 2**

Comment: Conditions at the facility are to be in the least restrictive based on their confinement and the needs of the facility, while at the same time promoting independence and personal liberty interests. Conditions of confinement generally shall be equal across the board for all involuntary civil commitment entities. The law is established that mental health patients confined in state hospitals are to be afforded and entitled to “more considerate treatment and conditions of confinement than that of their criminal counterparts whose conditions of confinement are designed to punish” and that they shall have the least restrictive setting or environment feasible. Those currently held at DSH-C are to be held in a nonpunitive environment that does not lead to elements of punishment.

Department Response: Thank you for the comment. The Department has reviewed the regulations and has determined that they are written in the least restrictive way possible while still ensuring the health, safety, and security of all Department staff, patients, and the public.

**Summary Comment 10: Commenter 2**

Comment: The necessity statement for section 4354(c) of these regulations claims that it is necessary to define the difference between Criminal Contraband and Non-Criminal Contraband, as the Non-Criminal Contraband may be legal to possess outside the hospitals but can be allegedly prohibited inside hospital grounds “as it may present an adverse effect on the treatment plans of patients.” This is a problematic statement, simply because there is no state or federal statute or regulation authorizing the facility to confiscate an item because it could be potentially detrimental to a patient’s treatment.

Department Response: Thank you for the comment. The Department has reviewed the necessity statement and determined that it is accurate. Pursuant to Welfare and Institutions Code section 7295, the Department may develop a list of items that are deemed contraband and prohibited on hospital grounds and control and eliminate contraband on hospital grounds.

#### **Summary Comment 11: Commenter 2, 3, and 4**

Comment: Section 4354.1(a) of the proposed regulations mentions a “written notice,” presumably a standardized state-issued form from the Department; however, this was not specifically incorporated within the regulations per the Administrative Procedures Act (APA).

Department Response: Thank you for the comment. The Department has considered your comment. There is no additional form required per the APA. The proposed regulations package provides the content of the written notice, and as a result does not need to be incorporated by reference.

#### **Summary Comment 12: Commenter 2**

Comment: The necessity statement for section 4354.1(c)(1)(C) leads me to believe that contraband disposition is contingent upon the non-criminal or criminal nature of the items. This means that it is discretionary either upon the officers or the facility itself. There is no clear method (for clarity purposes) of discerning the difference between trivial non-criminal contraband items (such as rubber bands, paper clips or alligator clips, or even money, checks or money orders) and the more obviously serious non-criminal contraband items, where either way, as it currently reads, could subject the entire package to being rejected and disposed of pursuant to the regulation. The proposed regulations fail to comply with the clarity requirements of Gov. Code section 11349.1.

Department Response: Thank you for the comment. The proposed regulations do not recognize a trivial versus non-trivial designation, and only makes definitions for criminal and non-criminal contraband.

#### **Summary Comment 13: Commenter 2**

Comment: Currently, the Department allows patients to receive money (cash), checks and money orders from outside sources to be placed onto their personal trust fund accounts; however, they are not allowed to have them in their personal possession, pursuant to the Statewide Property Contraband List and the Hospital Specific Property Contraband List. There is no indication in this regulation as to the exclusion of such monetary transactions.

**Department Response:** Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

**Summary Comment 14: Commenter 2**

**Comment:** There is no indication in this regulation as to the finding of non-criminal contraband items in legal and/or regular mail (such as paper clips, rubber bands, etc.) and the determination of disposing of any type of mail, whereas potentially disposing of any type of mail may raise serious regulatory, statutory, civil, and constitutional rights issues. It is requested that either the language in dispute be amended or to delete the relevant language accordingly.

**Department Response:** Thank you for the comment. The disposition of an item determined to be contraband will be processed pursuant to this regulation, regardless of how the item comes into the facility. The Department has existing regulations related to search of contraband and mail.

**Summary Comment 15: Commenter 2**

**Comment:** The proposed regulations must comply with the criteria established under CCR Title 9 section 884(c)(1)-(5).

**Department Response:** Thank you for the comment. The Department disagrees and believes it is in compliance with CCR Title 9 section (c), subdivisions (1)-(5).

**Summary Comment 16: Commenter 2**

**Comment:** Officials will be held liable if they set “in motion a series of acts by others, or knowingly refused to terminate [such acts], which he knew or reasonably should have known would cause others to inflict constitutional injury. Officials are, or could be, the ones directly responsible for the enactment of such regulations that would authorize such constitutional violations, if not directly addressed prior to its implementation. Further, this leads those down the ladder to be responsible for such omissions.

**Department Response:** Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

**Summary Comment 17: Commenter 3 and 4**

**Comment:** The proposed regulations text fails to distinguish whether it is to be police staff (DPS) or all Department staff in patient property searches as those authorized to determine what is or not “Criminal” or “Hazardous.”

**Department Response:** Thank you for the comment. The Department has considered your comment and finds that the regulation’s plain language demonstrates that it is all staff who can determine the disposition of contraband.

**Summary Comment 18: Commenter 3 and 4**

Comment: The terms “Criminal Contraband” and “Non-Criminal Contraband” can be viewed as derogatory and dehumanizing, stemming more from a prison mindset than a therapeutic one.

Department Response: Thank you for the comment. The Department has considered all alternatives and has decided that these adjectives are the most clear and accurate words to define the terms.

#### **Summary Comment 19: Commenter 3 and 4**

Comment: In many instances, when confiscating property, Department staff fail to write down each item, provide the written notice, write legibly, or properly identify the confiscated item. When this occurs, patients are denied the ability to prove a specific property item was seized, or cannot accurately report the confiscation in a grievance, and/or cannot file a Government Claim to obtain the lost value of the property.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

#### **Summary Comment 20: Commenter 3 and 4**

Comment: Rules using mandatory language such as “shall not” holds no value because Department staff do not comply with the regulations and no punitive actions are taken. Since staff are not punished for breaking the rules, it provokes patient mistrust of staff.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

#### **Summary Comment 21: Commenter 3 and 4**

Comment: 30 calendar days is an insufficient period for disposing of patient property. Some reasons include units on quarantine lock-down, a modified release program, a patient is non-ambulatory, 1-3 hour wait line for the property room at all times of the day, and/or patient maybe off site due to court or medical reasons.

Department Response: Thank you for the comment. We have taken your comment into consideration and determined that the proposed regulatory language of “minimum of 30 days” allows for additional retention time.

#### **Summary Comment 22: Commenter 3 and 4**

Comment: Patients should have the right to choose which charitable organization they want to donate their confiscated property to. Patients have a right to have input relating to non-profits they support, as the mission and purpose of some organizations could conflict with a patient’s cultural, political, or religious views.

Department Response: Thank you for the comment. The Department has considered your comment and finds that the regulation adequately addresses donations as written.

**Summary Comment 23: Commenter 3 and 4**

Comment: Often there are no spiritual leaders for specific faith groups, in these instances who then will make the “appropriate” removal determinations? This regulation appears to mandate a “religious or spiritual leader” to use a “written document” to seek a patient’s consent/signature.

Department Response: Thank you for the comment. The chaplain will conduct research and advise hospital staff on the basis of their findings. The regulations do not require a written notice from the chaplain but rather will go through the notice process outlined in section 4354.1, subdivision (a).

**Listed below are those that provided comments during the public hearing facilitated on June 24, 2025:**

No.	Commenter (Comment Number)	Affiliation	Date Received
1.	James Hydrick (1)	Patient	6/24/25
2.	John Valdevia (2)	Patient	6/24/25
3.	Bob Martin (3, 4, and 6)	Patient	6/24/25
4.	Charles W. Jones (3 and 7)	Patient	6/24/25
5.	Eli Del Rey (5)	Patient	5/24/25
6.	Cord William Curtis (7)	Patient	6/24/25
7.	Fletcher (8-10)	Patient	6/24/25

**Summary Comment 1: Commenter 1**

Comment: The regulations outline a 30-day period to mail out contraband, often our property is destroyed before the 30 days occurs. There have been instances where staff have told patients that the items are being brought home and divided amongst staff.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

**Summary Comment 2: Commenter 2**

Comment: It is unfair for staff to determine what is and is not considered a spiritual item.

Department Response: Thank you for the comment. This comment relates to the designation of spiritual items, while this regulation relates to the disposition of contraband.

**Summary Comment 3: Commenter 3 and 4**

Comment: The regulations regarding electronic property are too vague. Burn-on-

demand DVDs are very hard to find in today's world where everything consists of microchips. The contraband list says that media must be cellophane wrapped, this is intended for a retail setting. Many discs are pre-owned and do not have the cellophane wrapping. According to staff, any DVD with a different color other than silver is a burned DVD.

Department Response: Thank you for the comment. This comment relates to the designation of contraband, while this regulation relates to the disposition of contraband.

#### **Summary Comment 4: Commenter 3**

Comment: The authority for confiscating patient property is missing. The Department is using a fraudulent name to take property legally bought from a commerce organization.

Department Response: Thank you for the comment. The Department has the authority to promulgate regulations pursuant to Welfare and Institutions Code section 4005.1, including all the hospitals under its jurisdiction, as outlined in Welfare and Institutions Code section 4100. The Department has jurisdiction over Coalinga State Hospital, pursuant to Welfare and Institutions Code section 4100, subdivision (b). Further, Welfare and Institutions Code section 6600.05 states that the "Coalinga State Hospital shall be used whenever a person is committed to a secure facility for mental health treatment," and that the Department shall be responsible for operation of the facility, including the provision of treatment. Further, this comment relates to the designation of contraband, while this regulation relates to the disposition of contraband.

#### **Summary Comment 5: Commenter 5**

Comment: The different categories of contraband allow the staff to exercise power to declare anything they want as contraband. Destroying property due to it becoming contaminated or hazardous does not have due process. If a package is considered "hazardous" they can destroy it immediately before the patient is even informed of it.

Department Response: Thank you for the comment. Welfare and Institutions Code section 7295 authorizes the Department to determine contraband on hospital grounds to maintain the safety and security of the hospital grounds, patients, staff, contractors, and visitors. Under the definition of "hazardous", the Department will immediately dispose of items they consider to be hazardous to continue to protect the safety and security of the hospital grounds, patients, staff, contractors, and visitors. Further, this comment relates to the designation of contraband, while this regulation relates to the disposition of contraband.

#### **Summary Comment 6: Commenter 3**

Comment: Prisoners can get burn-on-demand music CDs but patients are not allowed to have them. Patients are supposed to have less restrictions than prison, yet they are not allowed the same items.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.



#### **Summary Comment 7: Commenter 4 and 6**

Comment: Dietary supplements are considered contraband, and patients are not allowed access to them despite getting a doctor's note. Patients are not able to advocate for themselves and take care of their needs because the items they need are deemed "dietary supplements." Patients need these dietary supplements because they do not get the proper nutrition, they need from the food provided.

Department Response: Thank you for the comment. However, this comment is not being considered, as it is outside the scope of this rulemaking process and does not involve objections, support, or recommendations directed towards a specific regulatory action.

#### **Summary Comment 8: Commenter 7**

Comment: The proposed regulations text fails to distinguish whether it is to be police staff (DPS) or all Department staff in patient property searches as those authorized to determine what is or not "Criminal" or "Hazardous."

Department Response: Thank you for the comment. The Department has considered your comment and finds that the regulation's plain language demonstrates that it is all staff who can determine the disposition of contraband.

#### **Summary Comment 9: Commenter 7**

Comment: Penal Code section 1546.1 forbids such intrusion on electronic devices. Except as an emergency or to find the name of the device's owner, and for those on parole or probation if it is part of the conditions of probation or parole. Most patients are not on parole or probation. Patients who have not been found culpable of any criminal act, require a Search Warrant for the scanning of the electronic device. Without it is illegal and any coercion is also forbidden.

Department Response: Thank you for the comment. This comment relates to the designation of contraband, while this regulation relates to the disposition of contraband. Per this regulation, any scan of electronic devices would require the consent of the patient otherwise it shall be disposed of accordingly.

#### **Summary Comment 10: Commenter 7**

Comment: 30 calendar days is an insufficient period for disposing of patient property. This conflicts with the hospital contraband review committee's process. The review of contraband items often exceeds 30 calendar days.

Department Response: Thank you for the comment. We have taken your comment into consideration and determined that the proposed regulatory language of "minimum of 30 days" allows for additional retention time.